

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TINA MOORE et al.,)	
Individually and as Personal Representative)	
of the Estate of JASON MOORE,)	
)	
Plaintiffs,)	Case Nos. 4:14-CV-1443 SNLJ
)	4:14-CV-1447 SNLJ
v.)	(Consolidated)
)	
CITY OF FERGUSON, et al.,)	
)	
Defendants.)	

**PLAINTIFFS' PETITION FOR APPROVAL
OF WRONGFUL DEATH SETTLEMENT**

COME NOW Plaintiffs and for Plaintiffs' Petition for Approval of Wrongful Death Settlement with Defendant and related entities pursuant to V.A.M.S. §537.095(2) state as follows:

1. Plaintiff Tina Moore is the surviving spouse of, Jason Moore. Plaintiff filed suit against Defendants City of Ferguson and Officer Kaminski (Defendants) for the wrongful death of Jason Moore, who died on September 17, 2011 during or shortly after an encounter with Ferguson Police Officer Brian Kaminski.
2. Plaintiff Tina Moore is the wife of decedent Jason Moore and is a person in the first class entitled to recover for the death of Jason Moore pursuant to §537.080 RSMo.
3. Plaintiff Delores Moore is the mother of decedent Jason Moore and is a person in the first class entitled to recover for the death of Jason Moore pursuant to §537.080 RSMo.
4. Plaintiff Renee Rodgers has been appointed as next friend for Anthony Rice, a minor at the time of the filing of Plaintiffs' Complaint, to pursue damages on behalf of Anthony

Rice. Anthony Rice is the son and only child of decedent Jason Moore. Anthony Rice is now eighteen (18) years of age, an adult, and is a person in the first class entitled to recover for the death of Jason Moore pursuant to §537.080 RSMo.

5. Plaintiffs and Defendants (collectively the "Parties") have reached a confidential agreement to settle Plaintiffs' claims against Defendants.

6. Pursuant to the confidential terms of the settlement agreement, Defendants have agreed to pay Plaintiffs the sums as set out in the Settlement Agreement and Release marked as Exhibit 1, in exchange for the Plaintiffs' release of any and all claims against Defendants arising out of the death of Jason Moore.

7. Plaintiffs seek approval of this settlement because they believe that this settlement is in their best interests and that it is fair and reasonable.

8. Plaintiffs request that the attorneys fees and expenses incurred in obtaining the Judgment and settlement be approved as reasonable and necessary and for the benefit of all Plaintiffs.

9. Plaintiffs also move that the settlement funds be allocated as agreed by and between the Plaintiffs and distributed pursuant to the distribution request in the affidavits filed under seal of Plaintiffs Tina Moore (Exhibit 2); Delores Moore (Exhibit 3); Renee Rodgers as Next Friend for Plaintiff Anthony Rice (Exhibit 4); and Anthony Rice (Exhibit 5) as follows:

- a) 50% to Tina Moore – spouse of decedent;
- b) 35% to Anthony Moore – son of decedent; and
- c) 15% to Delores Moore – mother of decedent.

9. Plaintiffs request approval of said confidential settlement and distribution as set forth above and hereby incorporate their affidavits in support.

10. In order to maintain the confidential nature of the settlement, the Parties have filed a separate motion for leave to file Exhibits 1-5 under seal and request an order of the Court that the documents shall remain under seal.

11. The Parties further request that the Court set aside the Judgment entered by the Court on November 29, 2016 [Doc # 171] after Plaintiffs file their Satisfaction of Judgment.

WHEREFORE, Plaintiffs request that the Court make and enter its Order as follows:

- a. Find that the Settlement Agreement and Release reached herein between Plaintiffs and Defendants, and as stated in Exhibits 1-5, the Settlement Agreement and Release and Affidavits of all Plaintiffs, is just, fair, and reasonable under the circumstances;
- b. Order payment of the settlement to be collected and received within twenty (20) days as called for in the Settlement Agreement and Release, Exhibit 1;
- c. Find and Order that the attorneys' fees, expenses, and allocation of net proceeds, as sworn to in Plaintiffs' affidavits Exhibits 2 - 5, are just, fair, and reasonable under the circumstances and in the best interest of the parties;
- d. Order Plaintiffs to acknowledge satisfaction in whole for the settlement proceeds and costs;
- e. Order that Exhibits 1 – 5 are allowed to be filed under seal and shall remain under seal absent further order of this Court and for such other and further orders as the Court may deem proper, the premises considered.
- f. Order that, after Plaintiffs file their Satisfaction of Judgment, the Judgment entered by the Court on November 29, 2016 [Doc # 171] be set aside and for such other and further orders as the Court may deem proper, the premises considered.

Respectfully submitted,

DOWD & DOWD, P.C.

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*Attorneys For Plaintiffs
Delores Moore And Renee Rodgers,
As Next Friend Of A.D.R, A Minor*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above pleading was served via the Court's electronic filing system this 31st day of January, 2017 to all counsel of record.

/s/ William T. Dowd

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Respectfully submitted,

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/s/ William T. Dowd